



**DEPARTMENT OF THE NAVY**  
**NAVAL POSTGRADUATE SCHOOL**  
**1 UNIVERSITY CIR**  
**MONTEREY, CA 93943-5000**

5720  
Ser 00C/068  
June 21, 2022

Ms. Mariam Baksh  
Nextgov  
600 New Hampshire Ave. NW 5<sup>th</sup> Floor  
Washington, D.C. 20006  
mbaksh@govexec.com

Subj: YOUR FOIA REQUEST (DON-NAVY 2022-009345)

Dear Ms. Baksh:

This letter is in response to your expedited request under the Freedom of Information Act (FOIA), assigned tracking number DON-Navy-2022-009345 and received by this office on June 13, 2022, for “an electronic copy via e-mail of a Cooperative Research and Development Agreement between Microsoft and the Naval Post Graduate School.” Please refer to this assigned tracking number in any future correspondence concerning this request.

The following two (2) documents are provided as responsive to your request: (1) Navy Cooperative Research and Development Agreement (CRADA) NPS-22-0272 between Naval Postgraduate School (NPS) and Microsoft Corporation; and (2) First Amendment of CRADA between Naval Postgraduate School (NPS) and Microsoft Corporation with redactions made to these documents in accordance with the Freedom of Information Act, 5 U.S.C. § 552(b)(4) and 5 U.S.C. § 552(b)(6).

You also requested a waiver of all fees for this request. You based this on the fact that you are “a member of [the] news media and [are] not using [the] document requested for personal commercial purposes.” Under limited circumstances, you may qualify for a fee waiver if, in addition to not using the requested record(s) primarily for your own commercial purposes, the subject of the requested records concerns “the operations and activities of the government” and that disclosure of the requested records would contribute significantly to “public understanding” of those operations and activities.

You did not explain how the requested records would contribute significantly to the public understanding of the operations and activities of the government. However, based on the breadth and scope of your request, the search needed to fulfill your request was of minimal cost to the government. We have waived all fees associated with processing your request.

I am the official responsible for this response to your request. If you have any questions, please contact my paralegal, Ms. Elaine MacDonald, at [elaine.macdonald@nps.edu](mailto:elaine.macdonald@nps.edu) or (831) 656-3610.

Subj: YOUR FOIA REQUEST (DON-NAVY 2022-004303)

You have the right to an appeal. It must be received (i.e., post-marked if by mail, sent if by email, submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the appellate authority (see below) the following in an envelope marked "FOIA appeal":

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request; and
- a copy of this decision letter.

Please also provide a copy of your appeal letter via e-mail to [elaine.macdonald@nps.edu](mailto:elaine.macdonald@nps.edu) or via postal mail to Staff Judge Advocate, Naval Postgraduate School, Hermann Hall Room 127D, Monterey, CA 93943.

There are two ways to file an appeal:

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a website that will appear as the top hit if you search for "FOIAonline"), click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

2. By mail. Address your appeal to:

Department of the Navy  
Office of the Judge Advocate General (Code 14)  
1322 Patterson Ave. SE, Suite 3000  
Washington Navy Yard, DC 20374-5066

or

Department of the Navy  
Office of the General Counsel  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-100

Subj: YOUR FOIA REQUEST (DON-NAVY 2022-004303)

If you have any questions, please contact the Naval Postgraduate School FOIA Coordinator at [elaine.macdonald@nps.edu](mailto:elaine.macdonald@nps.edu) or (831) 656-3610. You may also contact the DON FOIA Public Liaison, Christopher Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil) or (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

S. A. MURRAY  
CDR, JAGC, USN